

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of
Leslie Townsend
Respondent

Civil Citation No. 54819
16603 Trenton Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 10, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 428; Baltimore County Code (BCC) section 13-7-310, 312, failure to cease the outside storage of unlicensed/inoperative motor vehicles, failure to remove debris from residential property known as 16603 Trenton Road, 21155.

On January 25, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Robyn Clark issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Leslie Townsend, Respondent and, Robyn Clark, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. A Final Order was issued April 2, 2009 enforcing a citation for similar violations.

B. Photographs in the file show large quantities of junk, trash, household items, furniture, gutters, storm windows, tires, construction equipment and materials, tools, and other debris in piles on the porch and throughout the large yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs also show a rusty blue van without valid tags, and other vehicles including at least one covered by a tarpaulin that may not have tags. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on all vehicles and make them operable, or remove them from the property.

D. Inspector Robyn Clark testified that this is a long standing code enforcement case and that Mr. Townsend has been cooperative but that he collects things and has problems with organizing and getting things cleaned up. She testified that some progress has been made in cleaning up the property, but that more cleanup needs to be done.

E. Respondent Townsend testified that he has trouble getting rid of things but that he will work to clean up the property. He does not want assistance from the Department of Aging or the Department of Social Services.

F. Respondent has been given significant extensions of time to clean up this property. Because compliance is the goal of code enforcement, this Final Order will give him one more opportunity to clean up the property and avoid a civil penalty. If he does not voluntarily comply, the County will be authorized to enter the property if necessary to remove untagged or inoperative vehicles and to clean up the property, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected on the timeline provided below:

1. By April 20: all motor vehicles on the property must be properly tagged and must be operable.
2. By May 4: the open dump conditions in the front yard must be corrected, with all junk, trash, debris, household items, and other impermissible items removed.
3. By June 1: the open dump conditions in the entire yard must be corrected.

IT IS FURTHER ORDERED that after April 20, 2010, the County may enter the property for the purpose of removing any untagged or inoperative vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that after May 4, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris from the front yard, at Respondent's expense.

IT IS FURTHER ORDERED that after June 1, 2010, the County may enter the property for the purpose of removing all junk, trash, and debris from the premises, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.